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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 DANIEL CLARENCE FREDRICKS,

14 Petitioner,

15 v.

16 ELDON VAIL,

17 Respondent.

CASE NO. C09-5599RBL/JRC

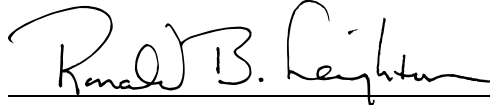
ORDER ADOPTING
REPORT AND
RECOMMENDATION

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20 The Court having reviewed the Report and Recommendation of the Hon. J. Richard
21 Creatura, United States Magistrate Judge, objections to the Report and Recommendation, if any,
22 and the remaining record, does hereby find and Order:

- 23 (1) The Court adopts the Report and Recommendation;
- 24 (2) This petition is DISMISSED AS TIME BARRED.
- 25 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in
26 the United States District Courts, a certificate of appealability is DENIED
with respect to this petition.

1 (4) The clerk is directed to send copies of this Order to Petitioner, and the
2 Hon. J. Richard Creatura.

3 DATED this 1ST day of February, 2010.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE
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